

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED

May 17, 2011

In the Matter of D. D. WILLIAMS, Minor.

No. 301099

Wayne Circuit Court

Family Division

LC No. 95-335378

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Before: CAVANAGH, P.J., and TALBOT and STEPHENS, JJ.

PER CURIAM.

Respondent appeals as of right from an order that terminated his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). The parental rights of the child's mother were terminated at a prior proceeding.<sup>1</sup> We affirm, finding that there was clear and convincing evidence to support termination of respondent's parental rights. See MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000).

The child was brought into care immediately following his birth in March 2009. The mother was incarcerated at the time she gave birth to the child, had an extensive criminal history, and three prior terminations. Her parental rights to the child were terminated on June 12, 2009. By that time, respondent had established himself as the child's legal father. The agency, the GAL, and the trial court wanted to give the then 19-year-old respondent an opportunity to demonstrate an ability to care for the child. Thus, the child was adjudicated a temporary court ward with regard to respondent. On June 26, 2009, respondent was ordered to: attend parenting classes, attend a Clinic for Child Study, obtain suitable housing, maintain a legal source of income, maintain contact with the worker, complete probation, attend court hearings, and visit weekly with the child.

Respondent showed initial cooperation with the treatment plan. He immediately participated in parenting classes and completed his Clinic in September 2009. However, the Clinic revealed additional problems. During the consultation, respondent admitted chronic marijuana use. The clinician indicated that respondent's prognosis for parenting the child long-term was "poor." As a result of the Clinic, additional elements were added to respondent's treatment plan — drug screening, drug counseling, and individual therapy. Foster care worker

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<sup>1</sup> The termination order was affirmed by this Court. *In re Williams*, unpublished memorandum opinion of the Court of Appeals, decided April 22, 2010 (Docket No. 293198).

Nia Bozeman testified that respondent was not required to submit to random drug screens as long as he was doing so as a condition of his probation. The probation officer reported to Bozeman that respondent consistently tested positive for marijuana. Once respondent was discharged from probation (without progress) in January 2010, he was expected to submit to random drug screens with the agency. Respondent failed to provide even one screen between January 2010 and the termination hearing in October 2010. He gave the worker many excuses, but he freely testified at the termination hearing that he did not attend the screens because he knew the results would be positive.

Respondent not only failed to submit to random drug screens, he also failed to attend individual counseling, which would have included a substance abuse component. There was a delay in providing a referral for respondent for individual counseling, but that did not excuse respondent's failure to participate. He attended "a couple of sessions" in February and March 2010 but then stopped. The counselor reported that she could not contact respondent. Respondent testified that communication was a problem because his phone was "off." Bozeman originally intended that the counseling session take place in-home, but the counselor and respondent agreed that the sessions would take place in the office. Bozeman then provided respondent with bus tickets. There was simply no excuse for his failure to participate in counseling or contact the counselor.

Respondent did not have suitable housing. Throughout the entire case respondent resided with his uncle. Workers advised respondent that the uncle's home was inappropriate and was not suitable unless certain remedial measures were taken. Respondent was provided with housing referrals, yet it was only the week before the termination hearing that respondent made an affirmative effort to obtain suitable housing. Respondent testified that he had moved into his cousin's subsidized housing. His cousin had a one-bedroom home for which she paid \$96 monthly in rent. She testified that, although respondent was welcome to move in, respondent had not actually done so. He would "come and go" and continued to spend nights at his uncle's home. In addition, because the cousin's housing was rent subsidized, it was likely that respondent would have to seek permission to live there. Respondent did not tell Bozeman about his "move" and no home assessment was performed.

The foregoing evidence supported termination of respondent's parental rights. Respondent completed his Clinic, completed parenting classes, completed probation, and regularly visited with the child, but there were serious issues that remained unresolved even after a year and a half of the child being in foster care. Respondent was still without housing. He had an unaddressed substance abuse issue and failed to attend individual counseling. Respondent claims that his youth and immaturity are to blame, as is the fact that he was never provided a parenting mentor. However, even absent a court-ordered mentor, respondent failed to put forth even a modicum of effort to demonstrate his ability to care for the child on a long-term basis. He was 21 years old at the time of the termination hearing and did not have a plan. Sixteen months had passed from the time the child was adjudicated a temporary ward until the termination hearing. Respondent made no progress during that time. Therefore, it was clear that the conditions leading to adjudication continued to exist and that respondent was without the ability to provide the child with proper care or custody within a reasonable amount of time. Additionally, because of respondent's drug use, failure to attend counseling, and failure to take

responsibility for anything, it was not unreasonable for the trial court to conclude that the child likely would have been subject to harm if returned to respondent's care.

The trial court also did not err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5). Bozeman testified that respondent missed only one visit with the child. Respondent and the child interacted well, and it was clear there was a bond. Still, there were instances in which respondent would fall asleep during visits. The child had been in foster care for his entire life. Respondent was making absolutely no progress in demonstrating an ability to provide the child with long-term care. As such, it was reasonable for the trial court to conclude that termination of respondent's parental rights was in the child's best interests. The child was entitled to permanence and stability.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Michael J. Talbot

/s/ Cynthia Diane Stephens